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Legislative History – Montana Session Law

Chapter: 247 Session L: 1959

Bill Number: HB 254

Checklist of Bill History

History and Final Status Sheet *

Introduced Bill	☐
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	x

House	Senate
Committee: Highways and Highway Transportation	Committee: Highways and Transportation
Hearing Date(s):	Hearing Date(s):
Committee Report:	Committee Report:

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

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Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-sixth Legislative Assembly

In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959

PUBLISHED BY AUTHORITY

STATE PUBLISHING CO., HELENA, MONT



Chap.	Senate Bill	House Bill	Title	Page
			68-802, Revised Codes of Montana, 1947, Providing That Members of the Public Employees Retirement System Who Are Forced to Retire at Age Sixty-five or Over, Having Less Than Ten Years Service Accumulated, Be Permitted to Receive Service Retirement Benefits; and Providing a Repealing Clause.	551
245		346	An Act to Amend Subsection 3 of Section 53-106 of the Revised Codes of Montana, 1947, Relating to License Plates and Providing Exempt License Plates for Vehicles on Loan to or Owned by the Civil Air Patrol; and Containing a Repealing Clause.	552
246		191	An Act to Amend Section 68-102, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 92, Laws of Montana, 1955, Relating to Definitions of Terms Used in the Public Employees' Retirement Act by Redefining the Terms "Public Agency" and "State Employee"; to Amend Section 68-203, Revised Codes of Montana, 1947, as Amended by Section 3, Chapter 92, Laws of Montana, 1955, Relating to Whom Are Ineligible for Membership in the Public Employees' Retirement System; to Amend Section 68-701, Revised Codes of Montana, 1947, as Amended by Section 2, Chapter 176, Laws of Montana, 1953, and Section 5, Chapter 92, Laws of Montana, 1955, Relating to the Management of the Retirement Fund With Respect to the Refund of Member's Contributions; to Amend Section 68-801, Revised Codes of Montana, 1947, as Amended by Section 5, Chapter 186, Laws of Montana, 1951, and Section 1, Chapter 35, Laws of Montana, 1955, Relating to Voluntary Service Retirements With Respect to the Effective Date Thereof; and to Amend Section 68-901, Revised Codes of Montana, 1947, as Amended by Section 6, Chapter 186, Laws of Montana, 1951, Relating to the Minimum Guarantee by Providing a Minimum Guarantee for All Members Eligible for Retirement at the Age of Seventy (70) Years; and Providing That Invalidity of a Part of This Act Shall Not Affect or Impair the Remainder; That This Act Shall Become Effective Upon Its Passage and Approval; and Repealing All Acts or Parts of Acts in Conflict Herewith.	553
247		254	An Act to Amend Section 32-103 of the Revised Codes of Montana, 1947, Defining Public Highways, to Provide for Certain Changes in the Definition; to Amend Section 32-2114 of the Revised Codes of Montana, 1947, Enacted as Section 14, Chapter 263 of the Montana Session Laws of 1955, Defining Street or Highway, to Provide Changes in Definition; to Amend Section 84-1831 of the Revised Codes of Montana, 1947, enacted as Section 2, Chapter 162 of the Montana Session Laws of 1955, Relating to Definitions for the Purpose of Special Fuel Tax; to Establish the Policy of the State of Montana in the Regulation, Licensing and Taxation of Fuel Used in Motor Vehicles Operated in the State; and Containing a Repealing Clause.	572
248		50	An Act to Amend Section 71-1004 of the Revised Codes of Montana of 1947, as Amended, Relating to the Amount of Payment to Persons Having Silicosis; Repealing All Acts and Parts of Acts in Conflict Herewith.	576
249		157	An Act Authorizing the Court to Sentence a Convicted Misdemeanant to Confinement With Parole During the Periods of the Prisoner's Employment; Specifying the Disposition to Be Made of the Prisoner's Earnings; Setting Forth Conditions for Diminution of the Misdemeanant's Sentence; Declaring the Consequences of the Prisoner's Violation of Parole Conditions; Extending the Provisions of This Act to Jail Commitments for Adjudicated Contempt of a Court of Record; Containing a Savings Clause, Effective Date and Repealing All Acts and Parts of Acts in Conflict.	577
250		424	An Act to Authorize the State of Montana to Become Indebted for the Sum of Five Million Dollars (\$5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated for the Construction and Equipment of Necessary Buildings and Other Permanent Improvements for the Montana State Prison at Deer Lodge, Montana; Providing for the issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness and for the Sale Thereof; Prescribing the Form of Such Bonds and Providing for a Levy of an Annual Tax in Excess of the Amount	

invalid, inoperative, or unconstitutional, such decision shall not affect, impair, or invalidate the remaining portions of this act, but shall be confined in its operation to the clause, sentence, paragraph, section, subdivision, or part directly adjudged to be invalid, inoperative or unconstitutional.

Repealing clause. Section 7. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately. Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1959.

CHAPTER 247

An Act to Amend Section 32-103 of the Revised Codes of Montana, 1947, Defining Public Highways, to Provide for Certain Changes in the Definition; to Amend Section 32-2114 of the Revised Codes of Montana, 1947, Enacted as Section 14, Chapter 263 of the Montana Session Laws of 1955, Defining Street or Highway, to Provide Changes in Definition; to Amend Section 84-1831 of the Revised Codes of Montana, 1947, Enacted as Section 2, Chapter 162 of the Montana Session Laws of 1955, Relating to Definitions for the Purpose of Special Fuel Tax; to Establish the Policy of the State of Montana in the Regulation, Licensing and Taxation of Fuel Used in Motor Vehicles Operated in the State; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 32-103 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Public highways defined. "32-103. **Public highways defined.** *As used in this act, 'public roads and highways of this state' shall mean all streets, roads, highways, and related structures as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall*

be, built and maintained with funds of the State of Montana, or any political subdivision thereof, or which have been or shall be dedicated to public use or have been acquired by eminent domain."

Section 2. That section 32-2114 of the Revised Codes of Montana, 1947, enacted as section 14, chapter 263 of the Montana Session Laws of 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"32-2114. Street or highway—Private road or driveway—Roadway—Sidewalk—Laned roadway—Through highway—Controlled-access highway.

(a) Street or Highway. The entire width between the boundary lines of every *street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the State of Montana, or any political subdivision thereof, or which have been or shall be dedicated to public use or have been acquired by eminent domain.*

Street or highway.

(b) Private Road or Driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Private road or driveway.

(c) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term 'roadway' as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Roadway.

(d) Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Sidewalk.

(e) Laned Roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Laned roadway.

(f) Through Highway. Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

Through highway.

Controlled-access
highway.

(g) Controlled-access Highway. Every highway, street or roadway, in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway."

Amending clause.

Section 3. That section 84-1831 of the Revised Codes of Montana, 1947, enacted as section 2, chapter 162 of the Montana session laws of 1955, be, and the same is hereby amended to read as follows:

Definitions.

"84-1831. **Definitions.** As used in this act, the following definitions shall apply:

"Person."

(a) 'Person' means and includes any person, firm, association, joint stock company, syndicate, copartnership, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment or both, as applied to a firm, association, syndicate, or copartnership, means and includes the partners or members thereof, and as applied to joint stock companies and corporations, the officers thereof.

"Board."

(b) 'Board' means the state board of equalization of the State of Montana.

"Public roads
and highways."

(c) *As used in this act, 'public roads and highways of this state' shall mean all streets, roads, highways, and related structures as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the State of Montana, or any political subdivision thereof, or which have been or shall be dedicated to public use or have been acquired by eminent domain.*

"Motor vehicle."

(d) 'Motor vehicle' means any vehicle which is self-propelled upon the highways.

"Special fuel."

(e) 'Special fuel' means and includes all combustible gases and liquids, including liquid petroleum gases, suitable for the generation of power for propulsion of motor vehicles, except that it does not include motor fuel as defined in section 84-1801 (1) (a).

"Use."

(f) 'Use' means either the receipt, delivery or placing of special fuels by a special fuel dealer into the fuel

supply tank or tanks of any motor vehicle not owned or controlled by him, while such vehicle is within this state, or the consumption by a special fuel user of special fuels in propulsion of a motor vehicle on the highways of this state.

(g) 'Special fuel dealer' means any person in the business of handling special fuel who delivers any part thereof into the fuel supply tank or tanks of a motor vehicle not then owned or controlled by him. For this purpose the term 'fuel supply tank or tanks' does not include cargo tanks even though fuel is withdrawn directly therefrom for propulsion of the vehicle.

"Special fuel dealer."

(h) 'Special fuel user' means any person who consumes in this state special fuel for the propulsion of motor vehicles owned or controlled by him upon the highways of this state.

"Special fuel user."

(i) 'Bond' means: (1) a bond duly executed by such special fuel dealer or special fuel user as principal with a corporate surety qualified under the laws of Montana, which bond shall be payable to the State of Montana conditioned upon faithful performance of all requirements of this act, including the payment of all taxes, penalties and other obligations of such special fuel dealer or special fuel user arising out of this act; or (2) a deposit with the state treasurer by the special fuel dealer or special fuel user under such terms and conditions as the board may prescribe of a like amount of lawful money of the United States or bonds or other obligations of the United States or the State of Montana or of any county thereof, of an actual market value not less than the amount so fixed by the board."

"Bond."

Section 4. The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, shall not be considered to be the operation of such vehicles on the public roads and highways of this state; provided, that such crossings are adequately marked with such warning signs or devices, and are subject to relating to stopping before entry, and to restoration of any damage, as may reasonably be prescribed by the state or local

Exemption of vehicles operated across public roads and highways.

Marked crossings.

agency in control of safety of operation of the public highway involved.

Authority exercised only as to vehicles operated on public roads and highways.

Section 5. The authority to regulate motor vehicles, to license the same, or to tax the fuel used therein, under the provisions of any statutes of the State of Montana, shall only be exercised as to vehicles operated on the public roads and highways of this state.

Repealing clause.

Section 6. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1959.

CHAPTER 248

An Act to Amend Section 71-1004 of the Revised Codes of Montana of 1947, as Amended, Relating to the Amount of Payment to Persons Having Silicosis; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 71-1004 of the Revised Codes of Montana of 1947, as amended, be, and the same is hereby amended to read as follows:

Amount of payments to persons having silicosis.

“71-1004. **Amounts of payments.** Subject to the provisions of this act and the deductions herein provided, any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of *seventy-five dollars (\$75.00)* per month subject to such appropriations as may from time to time be made. The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein.”

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1959.

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HOUSE JOURNAL

OF THE

Thirty-sixth Legislative
Assembly

OF THE

STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959.

ALLEN H. DONOHUE,
Chief Clerk.

ROSEMARY S. ACHER,
Journal Clerk.

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No.	Title of Bill	Page
	prima facie evidence of intent to abandon all or a part of a water right.".....	161, 344.
253	Introduced by Gerard, Sheehy (by request): A bill for an act entitled: "An act to amend sections 89-810, 89-811, 89-812, 89-813, and 89-814 of the Revised Codes of Montana, 1947, and to add a new section to title 89 of the Revised Codes of Montana to be known as section 811.1, to provide an exclusive method for acquiring a water right, to require the filing of claims to water and information concerning the development of such claims, to provide for the filing of past acquired rights to water, and to provide for the effect of compliance or failure to comply with the provisions of this act.".....	161, 345.
254	Introduced by Broeder, McGarvey, Shelden (Lincoln): A bill for an act entitled: "An act to amend section 32-103 of the Revised Codes of Montana, 1947, defining public highways, to provide for certain changes in the definition; to amend section 32-2114 of the Revised Codes of Montana, 1947, enacted as section 14, chapter 263 of the Montana Session Laws of 1955, defining street or highway, to provide changes in definition; to amend section 84-1831 of the Revised Codes of Montana, 1947, enacted as section 2, chapter 162 of the Montana Session Laws of 1955, relating to definitions for the purpose of special fuel tax; to establish the policy of the State of Montana in the regulation, licensing and taxation of fuel used in motor vehicles operated in the state; to promote economy and safety of public administration and travel by encouraging off-highway operation of motor vehicles; and containing a repealing clause.".....	161, 345, 424, 455, 461, 479, 740, SA-762, 815, 816, 818, 827.
255	Introduced by McGarvey, Parker, Nees, Shelden (Lincoln), Howard, Leuthold, Barnard, Holtz, Nichols, Page (Granite), Aasheim, Casey, Kvaalen: A bill for an act entitled: "An act to amend section 75-3612 of the Revised Codes of Montana, 1947, as amended by chapter 241, laws of 1955 and chapter 251, laws of 1957, providing for the equalization of financial distribution for all elementary and secondary schools in order to maintain a uniform system of free public schools; providing schedules for determining support of foundation financial program for public elementary and secondary schools, and for other purposes.".....	162, 429, 498, 511, 515, 518, 710, 741, 742, 783, 795, 822, 823, 827.
256	Introduced by Barrett: A bill for an act entitled:	

exclusive jurisdiction over all controlled access highways and controlled access facilities except as otherwise specifically provided in the codes of Montana; and providing that the state highway patrol board shall have exclusive jurisdiction to determine a speed upon such controlled access highways and controlled access facilities except as otherwise specifically provided in the laws of Montana; providing exclusive jurisdiction to police the controlled access highways and controlled access facilities; providing for constitutionality; repealing all acts or parts of acts in conflict herewith." Referred to Committee on Highways and Highway Transportation.

House Bill No. 251, introduced by Leuthold, Hanks, Reeder, Nees, Sales, Higham, Aasheim: A bill for an act entitled: "An act to promote, establish and organize upon a permanent basis in the State of Montana scientific and intensive research in the production, marketing and utilization of wheat grown in Montana; to create in the department of agriculture of the State of Montana a division of wheat and marketing research; to define terms used in this act; to declare the public policy of the State of Montana in the field of such research and marketing; designating the powers and duties of such division in the said department and of said department in connection therewith; to create an administrative committee to be known as the Montana Wheat Research and Marketing Committee, and to prescribe its powers and duties; to provide for the making of certain reports by such agencies; levying an excise tax of two and one-half (2½) mills per bushel of wheat on the grower thereof to provide for the expense of such research and the administration and enforcement of this act, and for the placement of the proceeds of said levy in a revolving fund to be known as the wheat and marketing research revolving fund in the custody of the state treasurer of Montana; to provide for refunds from such fund upon prescribed conditions and proper application therefor; to provide for transfers from such revolving fund to the general fund of the State of Montana; to prescribe the duties of the state board of examiners with respect to claims against such fund and of the state auditor and state treasurer with relation to such funds; to make certain acts and practices unlawful and to provide penalties therefor; to repeal all acts and parts of acts in conflict with this act, and providing that this act shall be in full force and effect from and after its passage and approval." Referred to Committee on Agriculture, Dairying and Horticulture.

House Bill No. 252, introduced by Gerard, Sheehy (by request): A bill for an act entitled: "An act to amend Section 89-802 of the Revised Codes of Montana, 1947, to provide that ten consecutive years of non-use is prima facie evidence of intent to abandon all or a part of a water right." Referred to Committee on Irrigation and Water Conservation.

House Bill No. 253, introduced by Gerard, Sheehy (by request): A bill for an act entitled: "An act to amend Sections 89-810, 89-811, 89-812, 89-813, and 89-814 of the Revised Codes of Montana, 1947, and to add a new section to Title 89 of the Revised Codes of Montana to be known as Section 811.1, to provide an exclusive method for acquiring a water right, to require the filing of claims to water and information concerning the development of such claims, to provide for the filing of past acquired rights to water, and to provide for the effect of compliance or failure to comply with the provisions of this act." Referred to Committee on Irrigation and Water Conservation.

House Bill No. 254, introduced by Broeder, McGarvey, Shelden (Lincoln): A bill for an act entitled: "An act to amend Section 32-103 of the Revised Codes of Montana, 1947, defining public highways, to provide for certain changes in the definition; to amend Section 32-2114 of the Revised Codes of Montana, 1947, enacted as Section 14, Chapter 263 of the Montana Session Laws of 1955, defining street or highway, to provide changes in definition; to amend Section 84-1831 of the Revised Codes of Montana, 1947, enacted as Section 2, Chapter 162 of the Montana Session

Laws of 1955, relating to definitions for the purpose of special fuel tax; to establish the policy of the State of Montana in the regulation, licensing and taxation of fuel used in motor vehicles operated in the state; to promote economy and safety of public administration and travel by encouraging off-highway operation of motor vehicles; and containing a repealing clause." Referred to Committee on Highways and Highway Transportation.

House Bill No. 255, introduced by McGarvey, Parker, Nees, Sheldon (Lincoln), Howard, Leuthold, Barnard, Holtz, Nichols, Page (Granite), Aasheim, Casey, Kvaalen: A bill for an act entitled: "An act to amend Section 75-3612 of the Revised Codes of Montana, 1947, as amended by Chapter 241, Laws of 1955 and Chapter 251, Laws of 1957, providing for the equalization of financial distribution for all elementary and secondary schools in order to maintain a uniform system of free public schools; providing schedules for determining support of foundation financial program for public elementary and secondary schools, and for other purposes." Referred to Committee on Education.

House Bill No. 256, introduced by Barrett: A bill for an act entitled: "An act to amend Section 75-1311, Revised Codes of Montana, 1947, relating to the responsibility of the superintendent of public instruction and the state board of education for the course of study for all public elementary and high schools; providing for evaluation and revision of the course of study; providing for the appointment of a director of curriculum and assistants; and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Education.

House Bill No. 257, introduced by Powers, McNally, Mernin, Wood: A bill for an act entitled: "An act to amend Section 70-106, Revised Codes of Montana, 1947, relating to the investigation and ascertainment of the valuation of property of public utilities used and useful for the convenience of the public and relating to hearings and investigations in connection with public utilities, and providing for the payment of expenses of hearings and investigations and valuations and/or revaluations, and methods of assessing and collecting the same, and creating a 'public utility fund,' a revolving fund; and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Ways and Means.

House Bill No. 258, introduced by Powers, Healy, Picard, Mernin, Glancy: A bill for an act entitled: "An act to amend Section 41-1107, Revised Codes of Montana, 1947, relating to the period of employment per day in underground mines, workings and tunnels; providing that eight hours work per day shall be computed from the time of leaving the surface or entry of the mine, working, or tunnel until the return to the surface or entry; providing for a repealing clause and an effective date." Referred to Committee on Labor.

House Bill No. 259, introduced by Jardine, McGarvey: A bill for an act entitled: "An act to amend Sections 93-315 and 93-316 of the Revised Codes of Montana, 1947, relating to terms of court, court adjournments, and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Judiciary.

House Bill No. 260, introduced by Devier, Kvaalen, Haines (Prairie): A bill for an act entitled: "An act relating to the creation of a board of control to operate, manage, supervise and maintain the operations of one or more irrigation districts; providing for membership, terms of office, bond, and compensation; providing for, and deposit of funds, records and inspection; providing for withdrawal of districts, allowing for the hiring of a manager or managers; purpose of this act; and providing for an effective date." Referred to Committee on Irrigation and Water Conservation.

House Bill No. 261, introduced by McGarvey: A bill for an act en-

vation, having had under consideration House Bill No. 253, respectfully report as follows: That House Bill No. 253 do not pass.

McOMBER, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Highways and Highway Transportation, having had under consideration House Bill No. 254, respectfully report as follows: That House Bill No. 254 be amended as follows:

By inserting the word "appropriated" on line 4 of page 2 of the original bill between the words "with" and "funds" on said line and page.

And further amend section 2, line 5, page 2, of the original bill by inserting after the "and/" "which have been, or shall be, built and maintained with funds of";

Amend section 3 by inserting the word "appropriated" on line 18 of page 2 of the original bill between the words "with" and "funds" on said line and page;

Amend further section 3, line 17, page 2, of the original bill by inserting after the "and/" the following "which have been, or shall be, built and maintained with funds of";

Amend section 4 by inserting the word "appropriated" on line 2 of page 4 of the original bill between the words "with" and "funds" on said line and page;

And further amend section 4, line 2, page 4, by inserting after the "and/" the following "which have been, or shall be, built and maintained with funds of";

And as amended, do pass.

WOOD, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 298, respectfully report as follows: That House Bill No. 298 do not pass.

PICARD, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banking and Insurance, having had under consideration House Bill No. 360, respectfully report as follows: That House Bill No. 360 be amended by striking section 3 in its entirety, and as amended, do pass.

REGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banking and Insurance, having had under consideration House Bill No. 361, respectfully report as follows: That House Bill No. 361 be amended by striking section 3 in its entirety, and as amended, do pass.

REGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banking and Insurance, having had under consideration House Bill No. 362, respectfully report as follows: That House Bill No. 362 be amended by striking section 3 in its entirety, and as amended, do pass.

REGAN, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banking and Insurance, having

That House Bill No. 378 be amended in the title by adding after the last words thereof, the following: "containing a repealing clause," and as amended, do pass.

That House Bill No. 415 do pass.

That House Bill No. 425 do pass.

NICHOLS, Chairman.

Report adopted.

Motion was made by Cerovski that the House recess until 2:00 p.m. this day. Motion carried.

House recessed.

AFTERNOON SESSION

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 54, 154, 225, 244, 250, 254, 276, 295, 296, 370, 377, 379, 381, 412, 435, 471, Sub. H. B. 426 and House Joint Memorial No. 12, beg leave to report that the same have this date been returned from the printer correctly printed.

ABEL, Chairman.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed: House Bills Nos. 314, 320, 360, 361, 362, 364, 365, 366, 367, 369, 472, and House Bills Nos. 338, Sub. 385, 476, 489 considered correctly engrossed.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Townships and Counties, having had under consideration House Bill No. 211, respectfully report as follows: That House Bill No. 211 do pass.

PICARD, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Workmen's Compensation, having had under consideration House Bill No. 333, respectfully report as follows: That House Bill No. 333 do not pass, but that

Substitute House Bill No. 333, introduced by Committee on Workmen's Compensation: A bill for an act entitled: "An act to amend certain provisions of the Montana Workmen's Compensation Law; amending sections 92-701, 92-702, 92-703, 92-704, and 92-709, Revised Codes of Montana, 1947; as last amended by chapter 234, Montana Session Laws of 1957; all relating to compensation for injuries by increasing compensation in cases of temporary total, permanent total, and partial disability, and for injuries causing death, and certain specific loss injuries; repealing sections 92-705 of the Revised Codes of Montana, 1947, relating to burial expenses and 92-706 of the Revised Codes of Montana, 1947, relating to medical care, hospitalization and treatment; providing for payment of burial expenses; providing for medical and hospital services and such other treatment as approved by the board; and amending section 92-707, Revised Codes of Montana, 1947, as last amended by chapter seven, Montana Session Laws of 1949, reducing the waiting period; amending section 92-708, Revised Codes of Montana, 1947, as last amended by chapter 253, Montana Session Laws

That House Bill No. 171 do pass.

That consideration of House Bill No. 184 be passed for the day.

That consideration of House Bill No. 185 be passed for the day.

That House Bill No. 225 do pass.

That House Bill No. 244 do pass.

That House Bill No. 250 do pass.

That House Bill No. 254 do pass.

That consideration of House Bill No. 276 be passed for the day.

That House Bill No. 296 do pass.

That Sub. House Bill No. 312 do pass.

That House Bill No. 324 do pass.

That House Bill No. 329 do pass.

That House Bill No. 370 do pass.

That House Bill No. 377 do pass.

That House Bill No. 379 do pass.

That House Bill No. 381 do pass.

That House Bill No. 412 do pass.

That Sub. House Bill No. 297 be amended in section 1, in line 19, page 2 of the printed bill (being line 10, page 2 of the original bill) by inserting after the word "claims" the words "for the preceding year and such years shall not be taken into account in computing the average net proceeds for any year"; and as amended, do pass.

McGARVEY, Chairman.

Motion was made by McGarvey for adoption of the Committee of the Whole report.

Substitute motion was made by Daniels that House Bill No. 154 be segregated from the committee report. Motion carried.

Motion was made by McGarvey for adoption of the Committee of the Whole report, as amended. Motion carried. Report adopted.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your Committee on Ways and Means, having had under consideration House Bill No. 478, respectfully report as follows: That House Bill No. 478 be reported out of committee without recommendation, be printed and placed on General Orders.

EMMONS, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on Ways and Means, having had under consideration House Bill No. 130, respectfully report as follows: That House Bill No. 130 be amended as follows:

Amend in the original bill, lines 6 and 7 of the title, by deleting "as amended by section 1 of chapter 178 of the laws of 1951," and insert in lieu thereof "as amended by section 1, chapter 88 of the laws of 1957,";

That House Bill No. 469 be amended in the title by adding after the last words thereof, the following: "and containing a repealing clause," and as amended, do pass.

That House Bill No. 471 do pass.

That House Bill No. 479 do pass.

That House Bill No. 491 do pass.

That House Bill No. 519 do pass.

That Senate Amendments to House Bill No. 135 be placed at the bottom of the board.

That House Bill No. 5 do pass.

WOOD, Chairman.

Motion was made by Wood for adoption of the Committee of the Whole report.

Substitute motion was made by Gerard that House Bill No. 471 be segregated from the Committee report. Gerard requested a roll call vote, the results thereof to be spread on the Journal in full, and a Call of the House. A sufficient number of seconds rising, the Speaker ordered a Call of the House. Upon completion of roll call, progress having been reported, Gerard moved that the Call of the House be dispensed with. Motion carried.

Substitute motion by Gerard failed to carry by the following vote:

Ayes: Anderson, Angstman, Babcock, Bashor, Battin, Broeder, Cavan, Corcoran, Curry, DeWolfe, Elting, Felt, Fjare, Fladager, Gerard, Gleed, Haines (Prairie), Haines (Missoula), Hawks, Higham, Howard, Kiff, Kolar, Kvaalen, Lees, Leuthold, Loman, McGaffick, Morrison, Nelstead, Page (Missoula), Powell, Regan, Reinecke, Sales, Sheehy, Walton, Wright. Total 38.

Noes: Aasheim, Abel, Bardanouve, Barrett, Barnard, Barnes, Bradford, Casey, Cerovski, Clowes, Daniels, Devier, Emmons, Eskildsen, Gilfeather, Gill, Glancy, Gunderson, Hanks, Harball, Healy, Holding, Holecek, Holtz, Jensen, Karlberg, Langston, Loughran, McGarvey, McNally, McOmber, Mernin, Moudree, Nees, Page (Granite), Parker, Picard, Powers, Rindy, Raundal, Schwinden, Shelden, Sheldon, Strnisha, Tonner, Wayrynen, Wood, Woodring, Wold, Mr. Speaker. Total 50.

Absent and not voting: Nichols, Shea. Total 2.

Excused: Bentz, Jardine, Paulsen, Reeder. Total 4.

Motion made by Wood for adoption of the Committee report carried. Report adopted.

Mr. Speaker: We, your Committee on Printing, to whom was referred House Bills Nos. 194, 226, 267, 301, 348, 400, 474, 490 and Sub. House Bill No. 123, beg leave to report that the same have this date been returned from the printer correctly printed.

ABEL, Chairman.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bills correctly engrossed: House Bills Nos. 171, 182, 244, 250, 254, 329, 379, 381, 412, Sub. 125, and 54, 225, 296, Sub. 312, 370, 324, 377, 437, and 439 considered correctly engrossed.

PARKER, Chairman.

Corcoran, Curry, Daniels, Devier, DeWolfe, Elting, Emmons, Felt, Fjare, Fladager, Gerard, Gill, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Holding, Holecek, Holtz, Howard, Jensen, Karlberg, Kiff, Loman, Loughran, McGaffick, McGarvey, McNally, McOmber, Mernin, Morrison, Moudree, Nichols, Page (Granite), Page (Missoula), Parker, Picard, Powers, Reeder, Regan, Reinecke, Shea, Sheehy, Shelden, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Mr. Speaker. Total 72.

Noes: Barrett, Eskildsen, Gleed, Higham, Kolar, Kvaalen, Langston, Leuthold, Nees, Nelstead, Powell, Raundal, Rindy, Sales, Schwinden, Wright. Total 16.

Absent and not voting: Gilfeather. Total 1.

Excused: Angstman, Glancy, Jardine, Lees, Paulsen. Total 5.

House Bill No. 250 was passed by the following vote:

Ayes: Aasheim, Abel, Babcock, Bardanouve, Barrett, Barnard, Barnes, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Devier, Emmons, Eskildsen, Felt, Fjare, Fladager, Gerard, Gill, Gleed, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Holding, Higham, Holecek, Holtz, Howard, Karlberg, Kolar, Kvaalen, Langston, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Nichols, Page (Granite), Page (Missoula), Parker, Picard, Powell, Powers, Raundal, Reeder, Regan, Reinecke, Rindy, Sales, Shea, Shelden, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 72.

Noes: Bashor, DeWolfe, Elting, Jensen, Kiff, McGaffick, Morrison, Moudree, Nees, Nelstead, Schwinden, Sheehy. Total 12.

Absent and not voting: Anderson, Daniels, Gilfeather, Gunderson, Healy. Total 5.

Excused: Angstman, Glancy, Jardine, Lees, Paulsen. Total 5.

House Bill No. 254 was passed by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Daniels, Devier, DeWolfe, Elting, Emmons, Eskildsen, Felt, Fjare, Fladager, Gerard, Gilfeather, Gill, Gleed, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Holding, Higham, Holecek, Holtz, Howard, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Morrison, Nees, Nelstead, Nichols, Page (Granite), Page (Missoula), Parker, Picard, Powers, Reeder, Regan, Reinecke, Rindy, Sales, Shelden, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Mr. Speaker. Total 80.

Noes: McGaffick, Moudree, Powell, Raundal, Schwinden, Shea, Sheehy, Wright. Total 8.

Absent and not voting: Gunderson. Total 1.

Excused: Angstman, Glancy, Jardine, Lees, Paulsen. Total 5.

House Bill No. 296 was passed by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Clowes, Corcoran, Daniels, Devier, DeWolfe, Elting, Felt, Fjare, Fladager, Gerard, Gilfeather, Gleed,

That Senate Amendments to House Bill No. 358 be concurred in.

That Senate Amendments to House Bill No. 32 be concurred in.

That Senate Amendments to House Bill No. 167 be concurred in.

That Senate Amendments to House Bill No. 168 be concurred in.

That Senate Amendments to House Bill No. 290 be concurred in.

That Senate Amendments to House Bill No. 293 be concurred in.

That Senate Amendments to Sub. House Bill No. 455 be not concurred in, but that a conference committee of three members be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 254 be concurred in.

That Senate Amendments to House Bill No. 170 be not concurred in, but that a conference committee of three members be appointed from the House and a like committee requested from the Senate.

That Senate Amendments to House Bill No. 424 be not concurred in, but that a conference committee of three members be appointed from the House and a like committee requested from the senate.

That Senate Amendments to House Bill No. 44 be concurred in.

That Senate Amendments to House Bill No. 103 be concurred in.

That Senate Amendments to House Bill No. 157 be concurred in.

That Senate Amendments to House Bill No. 314 be concurred in.

That Senate Amendments to House Bill No. 248 be concurred in.

That Senate Amendments to House Bill No. 249 be concurred in.

That Senate Amendments to House Bill No. 415 be concurred in.

That Senate Amendments to Sub. House Bill No. 53 be concurred in.

That Senate Amendments to House Bill No. 346 be concurred in.

That Senate Amendments to House Bill No. 412 be concurred in.

That Senate Amendments to House Bill No. 437 be not concurred in, but that a conference committee of three members be appointed from the House and a like committee requested from the senate.

That Senate Amendments to House Bill No. 317 be concurred in.

That Senate Amendments to House Bill No. 118 be concurred in.

That Senate Amendments to House Bill No. 448 be concurred in.

That Senate Amendments to House Bill No. 34 be placed at the bottom of the list.

That Senate Amendments to House Bill No. 177 be concurred in.

That Senate Amendments to House Bill No. 215 be concurred in.

That Senate Amendments to House Bill No. 237 be concurred in.

That Senate Amendments to Sub. House Bill No. 80 be concurred in.

That Senate Amendments to House Bill No. 221 be concurred in.

That Senate Amendments to House Bill No. 242 be concurred in.

Ayes: Aasheim, Abel, Anderson, Angstman, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Curry, Devier, DeWolfe, Elting, Emmons, Eskildsen, Felt, Fjare, Fladager, Gerard, Gill, Glancy, Gleed, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Holding, Higham, Holtz, Howard, Jardine, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Lees, Leuthold, Loman, Loughran, McGarvey, McNally, Mernin, Morrison, Moudree, Nees, Nelstead, Page (Missoula), Parker, Paulsen, Powell, Powers, Raundal, Reeder, Regan, Reinecke, Rindy, Sales, Schwinden, Shea, Sheehy, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 85.

Noes: None.

Absent and not voting: Corcoran, Daniels, Gilfeather, Holecek, McGaffick, McOmber, Nichols, Page (Granite). Total 8.

Excused: Picard. Total 1.

Senate Amendments to Sub. House Bill No. 293 were concurred by the following vote:

Ayes: Aasheim, Abel, Anderson, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Daniels, Devier, DeWolfe, Elting, Emmons, Eskildsen, Felt, Fjare, Gerard, Gill, Glancy, Gleed, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Holding, Higham, Holtz, Howard, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Lees, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Morrison, Moudree, Nees, Nelstead, Page (Missoula), Parker, Paulsen, Powell, Powers, Regan, Rindy, Schwinden, Shea, Sheehy, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 80.

Noes: Angstman, Fladager, Jardine, Raundal, Reinecke. Total 5.

Absent and not voting: Gilfeather, Holecek, McGaffick, Nichols, Page (Granite), Reeder, Sales, Sheldon. Total 8.

Excused: Picard. Total 1.

Senate Amendments to House Bill No. 254 were concurred in by the following vote:

Ayes: Aasheim, Abel, Anderson, Angstman, Babcock, Bardanouve, Barrett, Barnard, Barnes, Bashor, Battin, Bentz, Bradford, Broeder, Casey, Cavan, Cerovski, Clowes, Corcoran, Curry, Daniels, Devier, DeWolfe, Elting, Emmons, Eskildsen, Felt, Fjare, Fladager, Gerard, Gill, Glancy, Gleed, Gunderson, Haines (Prairie), Haines (Missoula), Hanks, Harball, Hawks, Healy, Holding, Higham, Holtz, Howard, Jensen, Karlberg, Kiff, Kolar, Kvaalen, Langston, Lees, Leuthold, Loman, Loughran, McGarvey, McNally, McOmber, Mernin, Morrison, Nees, Nelstead, Page (Missoula), Parker, Paulsen, Powell, Powers, Reeder, Regan, Reinecke, Rindy, Schwinden, Shea, Sheehy, Sheldon, Strnisha, Tonner, Walton, Wayrynen, Wood, Woodring, Wold, Wright, Mr. Speaker. Total 83.

Noes: Jardine, Moudree. Total 2.

Absent and not voting: Gilfeather, Holecek, McGaffick, Nichols, Page (Granite), Raundal, Sales, Sheldon. Total 8.

Excused: Picard. Total 1.

Senate Amendments to House Bill No. 44 were concurred in by the following vote:

soula), Powell, Reeder, Regan, Reinecke, Sales, Shea, Sheldon, Sheldon, Strnisha, Walton, Wood, Wright, Mr. Speaker. Total 52.

Noes: Bardanouve, Barnes, Bashor, Broeder, Cerovski, Daniels, Devier, Eskildsen, Haines (Prairie), Hanks, Harball, Holding, Jardine, Karlberg, McGarvey, Moudree, Picard, Powers, Raundal, Rindy, Schwinden, Tonner. Total 22.

Absent and not voting: Aasheim, Abel, Battin, Casey, Emmons, Fjare, Gilfeather, Haines (Missoula), Holtz, Lees, McGaffick, McNally, Nees, Parker, Paulsen, Sheehy, Wayrynen, Woodring, Wold. Total 19.

Excused: Mernin. Total 1.

CONFERENCE COMMITTEE APPOINTMENT

The Speaker appointed a new Conference Committee to confer with a like committee from the Senate on Senate Substitute to Substitute House Bill No. 426: Gill, Bardanouve and Kvaalen.

Motion was made by Cerovski that the House recess subject to the Call of the Chair.

House recessed.

House resumed.

Mr. Speaker: We, your Committee on Enrollment, beg leave to report the following bills correctly enrolled: House Bills Nos. 168, 191, 157, 171, 317, Sub. 333, 221, 415, Sub. 80, 448, 50, 242, 192, 248, 32, 237, 439, 412, H.J.M. No. 7, H.J.R. No. 4, 437, 532, 215, Senate Sub. for H. B. 381, Senate Sub. for H. B. 31, Sub. 53, 167, Sub. 293, 535, 197, 254, 118, Sub. 305, Senate Sub. for H. B. 312, 177, 44, 435, 346.

JARDINE, Chairman.

I have examined Senate Sub. for House Bill No. 31 introduced by the Committee on Judiciary, and find the same to be correct.

DANIELS, Chairman.

I have examined House Bill No. 32, introduced by Wood et al and find the same to be correct.

WOOD.

I have examined House Bill No. 44, introduced by Barnard et al and find the same to be correct.

BARNARD.

I have examined House Bill No. 50, introduced by Powers et al and find the same to be correct.

POWERS.

I have examined Sub. House Bill No. 53, introduced by the Committee on Education and find the same to be correct.

PARKER, Vice-Chairman.

I have examined Sub. House Bill No. 80, introduced by the Committee on Judiciary and find the same to be correct.

DANIELS, Chairman.

I have examined House Bill No. 118, introduced by Paulsen and find the same to be correct.

PAULSEN.

I have examined House Bill No. 157, introduced by Barrett et al and find the same to be correct.

BARRETT.

I have examined House Bill No. 167, introduced by the Committee on Education and find the same to be correct.

PARKER, Vice-Chairman.

I have examined House Bill No. 168, introduced by the Committee on Education and find the same to be correct.

BARRETT, Chairman.

I have examined House Bill No. 171, introduced by Picard et al and find the same to be correct.

PICARD.

I have examined House Bill No. 177, introduced by Hanks and Babcock and find the same to be correct.

HANKS.

I have examined House Bill No. 191, introduced by Sheehy et al and find the same to be correct.

SHEEHY.

I have examined House Bill No. 192, introduced by McGarvey and find the same to be correct.

McGARVEY.

I have examined House Bill No. 197, introduced by Abel et al and find the same to be correct.

ABEL.

I have examined House Bill No. 215, introduced by Hawks and find the same to be correct.

HAWKS.

I have examined House Bill No. 221, introduced by Barrett et al and find the same to be correct.

BARRETT.

I have examined House Bill No. 237, introduced by Sheehy et al and find the same to be correct.

SHEEHY.

I have examined House Bill No. 242, introduced by MacDonald and find the same to be correct.

MacDONALD.

I have examined House Bill No. 248, introduced by the Committee on Highways and Highway Transportation and find the same to be correct.

WOOD, Chairman.

I have examined House Bill No. 254, introduced by Broeder et al and find the same to be correct.

BROEDER.

I have examined Sub. House Bill No. 293, introduced by the Committee on Education and find the same to be correct.

PARKER, Vice-Chairman.

I have examined Sub. House Bill No. 305, introduced by the Committee on Liquor Control and find the same to be correct.

REEDER.

221, 415, Sub. 80, 448, 50, 242, 192, 248, 32, 237, H.J.M. No. 7, H.J.R. No. 4, 439, 412, 437, 532, 215, Senate Sub. for H. B. 381, Senate Sub for H. B. 31, Sub. 53, 167, Sub. 293, 535, 197, 254, 118, Sub. 305, Senate Sub for H. B. 312, 177, 44, 435, 346.

COMMUNICATIONS

Mr. John J. MacDonald, Speaker,
House of Representatives,
Helena, Montana.

Dear Mr. Speaker:

This is the second session at which a regular student-legislative service has been authorized for the convenience of student groups visiting the State Capitol during the legislative session, and a report of the functions of that service is due to the House members.

During the session there was handled 151 separate groups, the total number of students being 5,241. The number of students attending during this session was 46% in excess of the number visiting two years ago. The largest number attending in any one day was on February 11 when twelve groups visited the assembly with 441 students. The group traveling the farthest was from Fairview; they traveled approximately 1,064 miles to and from Helena.

The service this year included:

First: A lecture on legislative procedure from the time a bill was introduced to the time it was filed with the secretary of state. Also, the regular order of business of both the House and the Senate was discussed.

Second: The students were told of the life of Charley Russell, and those paintings and water colors that were of particular historical significance were described in detail. The tours through the Capitol building were greatly curtailed because of the increased number of students, but in all cases the painting in the House Chamber was described in detail.

Third: A short statement of the Lewis and Clark expedition was given in connection with a description of the Lewis and Clark diorama in the Historical Museum.

Fourth: All of the students were given ample opportunity to ask questions concerning the life of Charley Russell, the Lewis and Clark expedition and legislative procedure.

One of the principal reasons for the greatly increased number of students was the fact that the State Superintendent of Public Instruction was informed of the nature of this service and she immediately sent to each junior and senior high school in the state a statement of the service rendered, and requested that students be allowed to attend.

We have received dozens of letters from various groups in appreciation of this service which has been inaugurated by you.

I take this opportunity to thank the members of the House, the members of the Senate, Claude C. Gray, Sergeant-at-Arms of the House of Representatives, William P. Pilgeram, Sergeant-at-Arms of the Senate, and the thousand of students for the many courtesies extended to me.

JOHN JACOB JEWELL.

Motion was made by Cerovski that the report of John J. Jewell be spread upon the Journal. Motion carried.

Powers, Reeder, Reinecke, Rindy, Sales, Schwinden, Sheehy, Strnisha, Tonner, Walton, Woodring, Mr. Speaker. Total 57.

Noes: None.

Absent and not voting: Abel, Angstman, Babcock, Bardanouve, Battin, Bentz, Cavan, Clowes, Daniels, DeWolfe, Eskildsen, Fladager, Glead, Haines (Missoula), Hanks, Howard, Lees, McGaffick, McNally, Mernin, Nees, Page (Missoula), Paulsen, Powell, Raundal, Shea, Wayrynen, Wood, Wright. Total 29.

Excused: Corcoran, Holecek, Jensen, Morrison, Regan, Shelden, Shelton, Wold. Total 8.

CONFERENCE COMMITTEE APPOINTMENT

The Speaker appointed a new Conference Committee to meet with a like committee from the Senate on Senate Amendments to House Bill No. 315, as follows: Sheehy, Schwinden and Nichols.

MOTIONS AND RESOLUTIONS

The following Resolution was read:

House Resolution No. 16, introduced by Cerovski:

Whereas, the procedure followed by the Montana Legislature in the enrollment of bills is cumbersome, and

Whereas, the size and form of the printed bill used by this Legislature is too large and cumbersome, and

Whereas, the house and senate rules are in conflict.

Now, Therefore, Be It Resolved, that the Legislative Council make a study of the present enrollment practices and recommend changes to the 37th Legislative Assembly, taking into consideration a single enrolling room for both the House and Senate, possible use of justo-writers, and feasibility of printing enrolled bills:

Be It Further Resolved, that the form and size of the printed bills be changed to an 8½ x 11 inch page using 10 point type with lines pica spaced, and that bills be punched with two ring binder holes with binder edge stapled, that there be 26 lines to a page, that said printed bill be similar to that used by the Wisconsin Legislature, that binders be provided with 3 inch backs, leatherette covers and metal hinges;

Be It Further Resolved, that the Legislative Council be instructed to study the procedure followed by the Montana Legislature and the House and Senate rules for the purpose of recommending changes to the 37th Legislative Assembly; that a copy of this Resolution be submitted to the Legislative Council and a copy transmitted to the State Purchasing Department.

Motion was made by Cerovski for adoption of the above Resolution. Motion carried. Resolution adopted.

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 317, 171, 415, 412, 439, 91, 532, 221, 215, 255, Senate Sub. for H. B. 381, Sub. 293, 448, 242, Sub. 333, 435, 168, 157, Senate Sub. for H. B. 312, 346, 50, 192, 177, Sub. H. B. 80, 191, 307, Sub. 305, 237, 43, 44, Sub. 358, Senate Sub. for H. B. 107, 437, 167, Senate Sub. for H. B. 31, 535, 197, 254, 118, Sub. 53, 183, H.J.M. No. 7, Sub. 15, 308, H.J.R. No. 4, 32, 248, do hereby report that said bills, together with a copy thereof,

SENATE JOURNAL
OF THE
Thirty-sixth Legislative
Assembly

OF THE
STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
Commencing January 5, 1959, and
Ending March 5, 1959.

ALFRED R. ANDERSON,
Secretary of the Senate.

PAUL CANNON, President

BETTY WEST,
Assistant Secretary
of the Senate.

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STATE PUBLISHING CO., HELENA, MONT.



No.	Title of Bill	Page
	controlled access highways and controlled access facilities; providing that the state highway commission shall have exclusive jurisdiction over all controlled access highways and controlled access facilities except as otherwise specifically provided in the codes of Montana; and providing that the state highway patrol board shall have exclusive jurisdiction to determine a speed upon such controlled access highways and controlled access facilities except as otherwise specifically provided in the laws of Montana; providing exclusive jurisdiction to police the controlled access highways and controlled access facilities; providing for constitutionality; repealing all acts or parts of acts in conflict herewith.".....	302, 307, 376, 406, 423, 429, 454.
254	Introduced by Broeder, McGarvey, Sheldon (Lincoln): A bill for an act entitled: "An act to amend section 32-103 of the Revised Codes of Montana, 1947, defining public highways, to provide for certain changes in the definition; to amend section 32-2114 of the Revised Codes of Montana, 1947, enacted as section 14, chapter 263 of the Montana Session Laws of 1955, defining street or highway, to provide changes in definition; to amend section 84-1831 of the Revised Codes of Montana, 1947, enacted as section 2, chapter 162 of the Montana Session Laws of 1955, relating to definitions for the purpose of special fuel tax; to establish the policy of the State of Montana in the regulation, licensing and taxation of fuel used in motor vehicles operated in the state; to promote economy and safety of public administration and travel by encouraging off-highway operation of motor vehicles; and containing a repealing clause.".....	302, 307, 387, 441, 490, 500, 626.
255	Introduced by McGarvey, Parker, Nees, Sheldon (Lincoln), Howard, Leuthold, Barnard, Holtz, Nichols, Page (Granite), Aasheim, Casey, Kvaalen: A bill for an act entitled: "An act to amend section 75-3612 of the Revised Codes of Montana, 1947, as amended by chapter 241, laws of 1955 and chapter 251, laws of 1957, providing for the equalization of financial distribution for all elementary and secondary schools in order to maintain a uniform system of free public schools; providing schedules for determining support of foundation financial program for public elementary and secondary schools, and for other purposes.".....	334, 345, 484, 491, 504, 584, 586, 587, 610, 616, 620, 625, 626.
259	Introduced by Jardine, McGarvey: A bill for an act entitled: "An act to amend sections 93-315 and 93-316 of the Revised Codes of Montana, 1947, re-	

At the request of Senator James, and without objection, the Senate was on Order of Business No. 12.

Upon motion of Senator James, duly seconded and carried, the Senate recessed at 12:30 p.m. until the hour of 2:00 p.m. this day.

AFTERNOON SESSION

Pursuant to recess, the Senate resumed at 2:00 p.m. President Cannon presiding.

REPORTS OF STANDING COMMITTEES

The following committees submitted the following reports:

Mr. President: We, your Committee on Engrossed Bills, to whom were referred Senate Bills Nos. 146 and 192, beg leave to report same back correctly engrossed.

BELEY, Chairman.

Report adopted.

Mr. President: We, your Committee on Printing, to whom were referred Senate Bill No. 96 and Senate Substitute for Senate Bill No. 175, beg leave to report the same have this date been returned from the printer correctly printed.

RIEDER, Chairman.

Report adopted.

Mr. President: We, your Committee on Rules, having had under consideration the motion to amend Joint Rule No. 11 of the Senate and House of Representatives by inserting after the word "pica" the words "or elite," respectfully report as follows: That the amendment be adopted.

JAMES, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communication from the House was received and read:

February 16, 1959.

Mr. President:

I am directed by the House to inform your Honorable Body that the following House Bills and Substitute House Bills were this day read third time and passed, title and history agreed to, and are herewith transmitted to the Senate for concurrence:

House Bill No. 5, introduced by McGarvey et al.

Sub. House Bill No. 125, introduced by Committee on Affairs of Cities.

House Bill No. 171, introduced by Picard et al.

House Bill No. 182, introduced by Holding et al.

House Bill No. 208, introduced by Wood et al.

House Bill No. 225, introduced by Battin.

House Bill No. 244, introduced by Gilfeather et al.

House Bill No. 250, introduced by Committee on Highways and Highway Transportation.

House Bill No. 254, introduced by Broeder et al.

House Bill No. 296, introduced by Gunderson et al.

House Bill No. 225, introduced by Battin: A bill for an act entitled: "An act to amend section 11-2008 (a) Revised Codes of Montana, 1947, as amended by chapter 75, laws of 1957, relating to fire protection districts by authorizing county commissioners to contract for private fire service protection and that such contracts shall be on the basis of an independent contractor; and to amend section 11-2010 (a), Revised Codes of Montana, 1947, as amended by chapter 75, laws of 1953, relating to fire district trustees by authorizing county commissioners to contract with a city, town or private fire company to furnish fire protection within the district; containing a repealing clause." Referred to Committee on County Affairs.

House Bill No. 244, introduced by Gilfeather, Gunderson, Bradford: A bill for an act entitled: "An act to amend Section 41-1301 of the Revised Codes of Montana of 1947, relating to semi-monthly payment of wages by employers of labor, by removing the exclusion of the State of Montana or any legal subdivision thereof from the definition of 'employer' and by providing the term 'employer' shall include the State of Montana, political subdivisions and instrumentalities thereof, and cities and towns; and repealing all acts and parts of acts in conflict herewith." Referred to Committee on Labor and Compensation.

House Bill No. 250, introduced by Committee on Highways and Highway Transportation (by request): A bill for an act entitled: "An act relating to the jurisdiction over controlled access highways and controlled access facilities; providing that the state highway commission shall have exclusive jurisdiction over all controlled access highways and controlled access facilities except as otherwise specifically provided in the codes of Montana; and providing that the state highway patrol board shall have exclusive jurisdiction to determine a speed upon such controlled access highways and controlled access facilities except as otherwise specifically provided in the laws of Montana; providing exclusive jurisdiction to police the controlled access highways and controlled access facilities; providing for constitutionality; repealing all acts or parts of acts in conflict herewith." Referred to Committee on Highways and Transportation.

House Bill No. 254, introduced by Broeder, McGarvey, Shelden (Lincoln): A bill for an act entitled: "An act to amend Section 32-103 of the Revised Codes of Montana, 1947, defining public highways, to provide for certain changes in the definition; to amend Section 32-2114 of the Revised Codes of Montana, 1947, enacted as Section 14, Chapter 263 of the Montana Session Laws of 1955, defining street or highway, to provide changes in definition; to amend Section 84-1831 of the Revised Codes of Montana, 1947, enacted as Section 2, Chapter 162 of the Montana Session Laws of 1955, relating to definitions for the purpose of special fuel tax; to establish the policy of the State of Montana in the regulation, licensing and taxation of fuel used in motor vehicles operated in the state; to promote economy and safety of public administration and travel by encouraging off-highway operation of motor vehicles; and containing a repealing clause." Referred to Committee on Highways and Transportation.

House Bill No. 296, introduced by Gunderson, McGarvey, Elting, Reeder, Cavan: A bill for an act entitled: "An act to provide permanent service status for deputy sheriffs of Montana; creating a sheriff employees' commission in first, second and third class counties and for counties having a population in excess of 15,000 people; setting forth the commission's powers and duties; providing minimum standards for employment as deputy sheriff, and providing for removal, demotion or suspension of deputy sheriffs upon complaint made, public hearing held, and ruling issued by the commission; forbidding deputy sheriffs from engaging in political activities; providing a penalty for violation of the act; and providing a severability and repealing clause." Referred to Committee on County Affairs.

Substitute House Bill No. 312, introduced by the Committee on Military Affairs: A bill for an act entitled: "An act to amend section 77-117 of the

At the request of Senator Wilson, the Committee on Oils and Leases was granted six additional days to consider House Bill No. 472.

At the request of Senator Bovey, the Committee on Highways and Transportation was granted six additional days to consider House Bill No. 215.

At the request of Senator Bovey, the Committee on Highways and Transportation was granted six additional days to consider House Bill No. 254.

At the request of Senator Mahoney (Sanders) the Committee on Constitutional Amendments and Federal Relations was granted six additional days to consider House Bill No. 208.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 369.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 368.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 367.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 366.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 365.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 364.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 363.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 362.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 361.

At the request of Senator Lehrkind, the Committee on Banks and Banking was granted six additional days to consider House Bill No. 360.

At the request of Senator McGowan, the Committee on Irrigation and Water Conservation was granted six additional days to consider House Joint Memorial No. 8.

At the request of Senator Nixon, the Committee on State Boards, Offices and Buildings was granted six additional days to consider House Joint Memorial No. 5.

At the request of Senator Rice, the Committee on Agriculture was granted six additional days to consider House Bill No. 489.

At the request of Senator Rice, the Committee on Agriculture was granted six additional days to consider House Bill No. 511.

At the request of Senator Ruane, the Judiciary Committee was granted six additional days to consider House Bill No. 221.

At the request of Senator Ruane, the Judiciary Committee was granted six additional days to consider House Bill No. 231.

At the request of Senator Ruane, the Judiciary Committee was granted six additional days to consider House Bill No. 283.

At the request of Senator Ruane, the Judiciary Committee was granted six additional days to consider House Bill No. 469.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration House Bill No. 214, respectfully report as follows: That House Bill No. 214 be not concurred in.

BOVEY, Chairman.

Report adopted.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration House Bill No. 254, respectfully report as follows: That House Bill No. 254 be amended as follows:

Amend the title of said bill on lines 17, 18 and 19 of the original bill, being lines 12, 13 and 14 of the printed bill, by striking the following words and punctuation: "to promote economy and safety of public administration and travel by encouraging off-highway operation of motor vehicles;"

And further amend by striking section 1 in its entirety;

And further amend by renumbering section 2 to read section 1;

And further amend by renumbering section 3 to read section 2;

And further amend by renumbering section 4 to read section 3;

And further amend by renumbering section 5 to read section 4 and by underlining the renumbered section 4 in its entirety;

And further amend by renumbering section 6 to read section 5 and by underlining the renumbered section 5 in its entirety;

And further amend by renumbering section 7 to read section 6;

And as so amended, be concurred in.

BOVEY, Chairman.

Report adopted.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration House Bill No. 108, respectfully report as follows: That House Bill No. 108 be not concurred in.

BOVEY, Chairman.

Report adopted.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration House Bill No. 109, respectfully report as follows: That House Bill No. 109 be not concurred in.

BOVEY, Chairman.

Report adopted.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration House Bill No. 215, respectfully report as follows: That House Bill No. 215 be amended as follows:

Amend the title of said bill on line 5 of the original bill, being line 2 of the printed bill, after the word "providing" by inserting the word: "that";

And further amend the title of said bill on lines 6 and 7 of the original bill, being line 3 of the printed bill, after the word "highway" by striking out the semicolon (;) and inserting in lieu thereof the following punctuation and words: ", street or alley and public recreational property;"

And further amend the title of said bill on lines 7 and 8 of the original bill, being line 4 of the printed bill, after the word "thereof" and the semicolon (;), by deleting the following words and punctuation: "including public property;"

And be further amended in section 9 by striking out in line 1, page 8 of the printed bill the number "9" and inserting in lieu thereof the number "10";

And as so amended, be concurred in.

That consideration of House Amendments to Senate Bill No. 76 be passed.

That consideration of House Amendments to Senate Bill No. 105 be passed.

That consideration of House Amendments to Senate Bill No. 169 be passed.

That House Bill No. 439 be concurred in.

That consideration of Substitute House Bill No. 358 be passed.

That further consideration of House Bill No. 236 be indefinitely postponed.

That Substitute House Bill No. 358 be concurred in.

That consideration of House Bill No. 191 be passed.

That House Bill No. 182 be concurred in.

That consideration of Substitute House Bill No. 297 be passed.

That House Bill No. 177 be concurred in.

That Substitute House Bill No. 297 be concurred in.

That House Bill No. 254 be concurred in.

That House Bill No. 215 be concurred in.

That House Bill No. 360 be concurred in.

That consideration of House Bill No. 376 be passed.

That further consideration of Substitute House Bill No. 33 be indefinitely postponed.

That Senate Substitute for House Bill No. 381 do pass.

That House Bill No. 302 be concurred in.

That House Bill No. 237 be concurred in.

That Substitute House Bill No. 80 be concurred in.

That House Bill No. 221 be concurred in.

That Substitute House Bill No. 123 be concurred in.

That Senate Substitute for House Bill No. 31 do pass.

That Senate Substitute for House Bill No. 107 do pass.

That Senate Substitute for Substitute House Bill No. 426 do pass.

That Substitute House Bill No. 201 be concurred in.

That House Bill No. 242 be concurred in.

That House Bill No. 259 be concurred in.

That consideration of Substitute House Bill No. 333 be passed.

That consideration of House Bill No. 232 be passed.

That House Bill No. 85 be concurred in.

Mackay, Mannix, McKenna (Fergus), Minette, Morrow, Reardon, Rieder, Robinson, Ruane, Sagunsky, Scofield, Smith, Spear, Streeter. Total 21.

(Including the following pair: Durkee, aye and Robinson, no).

Absent and not voting: None.

Excused: Anderson (Lincoln), Wilson. Total 2.

House Bill No. 460, having been read three several times, was concurred in by the following roll call vote:

Ayes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Carney, Clark, Cole, Cotton, Cumming, Durkee, Dussault, Grandey, Grant, Groff, Hagenston, Harken, Hofland, James, Keister, Keller, LaCombe, Mackay, Mahoney (Garfield), Mahoney (Sanders), Manning, McDonnell, McGowan, McKenna (Judith Basin), Michels, Nees, Nixon, Rice, Rieder, Ringling, Sagunsky, Siderius, Stein, Thiessen. Total 39.

Noes: Brownfield, Goodwin, Hibbs, Lehrkind, Mannix, McKenna (Fergus), Minette, Morrow, Reardon, Ruane, Scofield, Smith, Spear, Streeter. Total 14.

Absent and not voting: None.

Excused: Anderson (Lincoln), Robinson, Wilson. Total 3.

Substitute House Bill No. 358, having been read three several times, was concurred in by the following roll call vote:

Ayes: Beley, Bovey, Carney, Clark, Cotton, Cumming, Durkee, Dussault, Goodwin, Grant, Groff, Hagenston, Harken, Hofland, James, Keister, LaCombe, Mahoney (Garfield), Mahoney (Sanders), McGowan, McKenna (Judith Basin), McKenna (Fergus), Michels, Morrow, Nees, Nixon, Reardon, Rice, Rieder, Ringling, Ruane, Siderius, Stein, Thiessen. Total 34.

Noes: Anderson (Wibaux), Balgord, Brenner, Brownfield, Cole, Grandey, Hibbs, Keller, Lehrkind, Mackay, Manning, Mannix, McDonnell, Minette, Sagunsky, Scofield, Smith, Spear, Streeter. Total 19.

Absent and not voting: None.

Excused: Anderson (Lincoln), Robinson, Wilson. Total 3.

House Bill No. 177, having been read three several times, was concurred in by the following roll call vote:

Ayes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Clark, Cole, Cotton, Cumming, Durkee, Dussault, Goodwin, Grandey, Grant, Groff, Hagenston, Harken, Hofland, James, Keister, Keller, LaCombe, Lehrkind, Mackay, Mahoney (Garfield), Mahoney (Sanders), Manning, Mannix, McDonnell, McGowan, McKenna (Judith Basin), McKenna (Fergus), Michels, Minette, Morrow, Nees, Nixon, Reardon, Rice, Rieder, Ringling, Ruane, Sagunsky, Scofield, Siderius, Smith, Spear, Stein, Streeter, Thiessen. Total 52.

Noes: None.

Absent and not voting: Hibbs. Total 1.

Excused: Anderson (Lincoln), Robinson, Wilson. Total 3.

House Bill No. 254, having been read three several times, was concurred in by the following roll call vote:

Ayes: Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brown-

The Joint Conference Committee report on Substitute House Bill No. 455 was adopted by the following roll call vote:

Ayes: Anderson (Lincoln), Anderson (Wibaux), Balgord, Beley, Bovey, Brenner, Brownfield, Carney, Clark, Cole, Cotton, Durkee, Dussault, Grandey, Groff, Hagenston, Harken, Hibbs, Hofland, James, Keister, Keller, Lehrkind, Mackay, Mahoney (Garfield), Mahoney (Sanders), Mannix, McDonnell, McGowan, McKenna (Judith Basin), McKenna (Fergus), Minette, Morrow, Nees, Reardon, Rice, Ringling, Sagunsky, Smith, Stein, Thiessen. Total 41.

Noes: Cumming, Scofield, Spear, Streeter. Total 4.

Absent and not voting: Goodwin, Grant, LaCombe, Manning, Michels, Nixon, Rieder, Ruane, Siderius, Wilson. Total 10.

Excused: Robinson. Total 1.

At this time the Senate reverted to Order of Business No. 5, Messages from the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following communication from the House was received and read:

March 5, 1959.

Mr. President:

I am directed by the House to inform your Honorable Body that the House did on this day on roll call vote, adopt the Joint Conference Committee report on Senate Bill No. 168.

Respectfully,

ALLEN DONOHUE,
Chief Clerk.

MOTIONS AND RESOLUTIONS

President Cannon presiding.

Motion of Senator James, duly seconded, that Rules applying to the transmittal of bills from the House to the Senate after the forty-fifth legislative day be suspended as to House Bills Nos. 523, 524, 534, 535, 532, 306, 529, 536, 537, 527, Substitute 538, 540, Substitute 525, 526, 530, 539, 541, 528 and 533.

Senator Minette raised a point of order relative to the inclusion of House Bill No. 526 in the motion of Senator James, because a point of order relative to the said bill had already been referred to the Rules Committee.

Upon substitute motion of Senator James, duly seconded and carried, the above motion was referred to the Rules Committee.

At the request of Senator James, and without objection, the Senate was on Order of Business No. 12.

Upon motion of Senator James, duly seconded and carried, the Senate recessed subject to the call of the Chair.

Pursuant to recess, the Senate resumed at the call of the Chair. President Cannon presiding.

At this time the President signed in open session House Bills Nos. 43, 91, 307, 255, 303, 183, 221, 215, 448, 44, 167, 237, 118, 254, 197, 535, 437,

FINAL STATUS SHEET

HOUSE OF REPRESENTATIVES

of the

State of Montana



Thirty-sixth Legislative Assembly
January 5, 1959 to March 5, 1959
inclusive



JOHN J. MacDONALD, Speaker

Prepared in the Office of the Chief Clerk

**ALLEN DONOHUE,
Chief Clerk**



H. B. No.	Author	Short Title	Last History
248.	Committee on Highways	Adopting interstate sign manual for use on interstate system.	Approved 3/11/59. Effective 7/1/59. Chapter 241.
249.	Committee on Highways	Giving highway commission authority to "sign" control and access highways.	Approved 3/11/59. Effective 7/1/59. Chapter 224.
250.	Committee on Highways	Highway commission to have jurisdiction over controlled access highways and facilities.	Died in Senate Committee on Highways.
251.	Leuthold, et al.	Create a division of wheat and marketing research.	Killed on Third Reading, 2/13/59.
252.	Gerard, Sheehy (by request)	Provide that 10 years of non-use is evidence of intent to abandon water right.	*Killed in House Committee on Irrigation, 2/10/59.
253.	Gerard, Sheehy (by request)	Relating to acquisition of water rights.	*Killed in House Committee on Irrigation, 2/10/59.
254.	Broeder, et al.	Changing definitions of public highways.	Approved 3/12/59. Effective 7/1/59. Chapter 247.
255.	McGarvey, et al.	Changing school foundation program.	Approved 3/16/59. Effective 7/1/59. Chapter 267.
256.	Barrett	Superintendent of Public Instruction may appoint director of curriculum for overhauling of curricula of state schools.	*Killed in House Committee on Education, 2/13/59.
257.	Powers, et al.	Relating to valuation of property of public utilities.	*Killed in House Committee on Ways and Means, 2/13/59.
258.	Powers, et al.	Computing "portal to portal" 8-hour day in mines and tunnels.	Died in Labor Committee.
259.	Jardine, Glancy	Relating to court terms and adjournments.	Approved 3/5/59. Effective 7/1/59. Chapter 144.
260.	Devier, et al.	Create board of control to govern operations of irrigation districts.	*Killed in House Committee on Irrigation, 2/14/59.
Sub. 260.	Committee on Irrigation and Water	Create board of control to govern operations of irrigation districts.	Approved 3/7/59. Effective 3/7/59. Chapter 179.
261.	McGarvey	Prohibit false advertising by hotel-motel operators and posting of minimum and maximum rates.	*Killed in House Committee on Judiciary, 2/13/59.
262.	Committee on State Boards	Process liquor control board employees under merit system.	*Killed in House Committee on State Boards, 2/11/59.

* By adoption of Adverse Committee Report.